



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET

MEMORANDUM

TO: Department of Elections Voting Equipment Selection Task Force  
Joint Legislative Committee on the Capital Improvement Program  
Michael Morton, Controller General

From: Mike Jackson   
Director, Office of Management and Budget

Date: August 9, 2018

Subject: HB 475, Section 40 (Election Equipment) Path Forward

Section 40 of the Fiscal Year 2019 Bond and Capital Improvement Act (HB 475) states the following:

**“Section 40. Election Equipment.** The Section 1 Addendum of this Act appropriates \$10,000,000 for new election equipment. This funding shall be used for the purchase of a package of voting equipment as approved by the Voting Equipment Selection Task Force and the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program. Prior to final arrangements of a purchase being made, the package shall also be presented to the Joint Legislative Committee on the Capital Improvement Program. The expenditure of these funds on the approved package is subject to the successful agreement of a contract and price by the Office of Management and Budget with the vendor or vendors of the approved plan who submitted bids under the Elections System Solution Request for Proposal (USPCS code 9311).”

I recommend that the process to comply with Section 40 proceed in the following manner in order to ensure a timely procurement within the legislatively required reviews and approvals:

1. The RFP review committee has selected an apparent successful vendor and the State has entered into contract negotiations with that vendor. The negotiations are expected to come to a completion on a proposed contract in late summer.

2. Once the contract negotiations are completed, a public hearing will be held where full recommendations will be presented by the Department of Elections and OMB to the Voting Equipment Selection Task Force for approval. The recommendations presented will include the negotiated price for the package. Members of the public will be given the opportunity to offer comment at this hearing.
3. Should the Voting Equipment Selection Task Force vote to approve the package as recommended by Elections/OMB, the Joint Legislative Committee on the Capital Improvement Program will hold a subsequent public hearing on the proposed expenditure of funds, ensuring that such expenditures are consistent with current elections statutes. The hearing will once again afford members of the public the opportunity to comment on the proposed package.
4. Should the Joint Legislative Committee on the Capital Improvement Program co-chairs vote to approve the package, the funding authorized for "Voting Technology" within the Section 1 Addendum of HB 475 may be expended pursuant to the negotiated contract.
5. Should either the Voting Equipment Selection Task Force or the Joint Legislative Committee on the Capital Improvement Program co-chairs not approve the package, Elections/OMB would recommence the procurement process.

I trust this provides an acceptable path forward for all parties. Please let me know of any questions or concerns.

MSJ:gsm

cc: Representative Baumbach  
Jackie Griffith